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October 24, 2017

**VIA CM/ECF AND EMAIL**

Honorable Leslie J. Abrams  
United States District Court  
201 West Broad Avenue  
Albany, Georgia 31701

Re: *YKK Corp. et al. v. Velcro USA Inc.*, Civil Action No. 5:13-cv-306-LJA  
United States District Court for the Middle District of Georgia

Dear Judge Abrams:

YKK and Velcro have reached agreement on a proposal to bifurcate the liability and remedy phases of the above-referenced case. The parties filed a Joint Proposal Regarding Bifurcation (Dkt. No. 171) yesterday in accordance with the Court's instructions at the October 18, 2017 hearing. The parties agree and propose that the jury trial starting on November 13, 2017 will address all issues of infringement, including YKK's claims of direct infringement (both literal and doctrine of equivalents), indirect infringement (both inducement and contributory), and willful infringement, as well as all issues related to Velcro's defense of invalidity. Assuming that YKK prevails on liability, proceedings on its claims for injunction and damages would follow the November trial at a date to be determined by the Court.

There are currently two pending disputes relating to YKK's expert reports on damages, including Velcro's objection to Dr. Ugone's supplementation of his expert report and one remaining part of Velcro's *Daubert* motion. YKK opposes Velcro's efforts to exclude Dr. Ugone's opinions. But in view of the parties' agreement that the upcoming trial will not address damages, YKK proposes that the Court defer consideration of those disputes until after the November trial. YKK submits that deferring consideration of those disputes will conserve the limited resources of the Court and the parties during the 20 days remaining before trial.

At the hearing last week, the Court requested that YKK file a motion to supplement Dr. Ugone's expert report by tomorrow, October 25, 2017. YKK sought agreement from Velcro on its request to defer this dispute, but Velcro would not agree. YKK therefore requests guidance from the Court on whether the parties should proceed with briefing this dispute now, or whether the Court would prefer to defer briefing on this issue until after trial. YKK further requests guidance on whether the Court intends to address the remaining *Daubert* disputes regarding Dr. Ugone at the Pretrial Conference scheduled for November 3.

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YKK is available to discuss any questions that the Court may have at the Court's convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Moore", with a long horizontal flourish extending to the right.

Steven D. Moore

Cc: Counsel of record